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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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08/02/2001

Benedikt Aschermann

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04/21/2005

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EXAMINER

MURPHY, RHONDA L

ART UNIT

PAPER NUMBER

2667

DATE MAILED: 04/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/920,333	ASCHERMANN, BENEDIKT	
	Examiner	Art Unit	
	Rhonda Murphy	2667	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-13 and 15-33 is/are rejected.
- 7) ☒ Claim(s) 5, 14, 34 and 35 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 August 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7/12/02</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Drawings

1. The drawings are objected to because Figure 3 fails to illustrate the dash, double-dotted line indicating redundancy over the radio link, as described in the specification on page 9. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

2. Claim 13 is objected to because of the following informalities: Claim 13 is improperly dependent upon claim 10 and shall be dependent upon claim 12. Otherwise,

lack of antecedent basis exists for the term "control information". Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-4, 6, 8-13, 15, 17-29, 30 and 32-33 are rejected under 35 U.S.C. 102(b) as being anticipated by Mahany (US 5,960,344).

Regarding claims 1, 10, 19 and 26, Mahany teaches a communication network (Fig. 3) comprising a central unit (host computer, connected to the LAN in Fig. 3, not shown), a first peripheral unit (access point 35) and a second peripheral unit (access point 36); the central unit being connected by a first link (the link extending from element 37) to the first peripheral unit and by a second link (the link extending from element 41) to the second peripheral unit, the communication network further comprises means for providing a radio link (30) between first peripheral unit and the second peripheral unit (see Fig. 3; col. 7, lines 5-22, 30-33); means for providing communication between the central unit and the second peripheral unit over the radio link upon failure of the second link (col. 7, lines 30-48).

Regarding claims 2, 11, 20 and 27, Mahany further teaches rerouting traffic carried over the second link to the radio link and the first link (col. 7, lines 30-48).

Regarding claims 3, 12, 21 and 28, Mahany further teaches providing control information concerning the second link, to the radio link and the first link (col. 7, lines 42-48).

Regarding claims 4, 13, 22 and 29, Mahany further teaches providing fault localization information concerning the failure of the second link to the radio link and the first link (col. 7, lines 45-48).

Regarding claims 6, 15 and 30, Mahany further teaches the central unit, the first peripheral unit and second peripheral unit as nodes of the communication network (Fig. 3).

Regarding claims 8, 17, 24 and 32, Mahany further teaches the central unit, first peripheral unit and second peripheral unit comprising portions of a distributed radio base station node of a radio access telecommunications network (col. 4, lines 36-48).

Regarding claims 9, 18, 25 and 33, Mahany further teaches the central unit comprising data processing and control functions of the distributed radio base station node (Examiner takes official notice that it is well known in the art for a central unit/host computer to perform data processing and control functions).

Regarding claim 23, Mahany further teaches the peripheral unit as a base station of a radio access telecommunications network (col. 4, lines 40-42).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2667

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 7, 16 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mahany (US 5,960,344) in view of Costa et al. (US 6,668,170).

Regarding claims 7, 16 and 31, Mahany teaches the communication network as a radio access telecommunications network (col. 2, lines 11-26), wherein the first peripheral unit is the first base station and the second peripheral unit is the second base station (col. 4, lines 40-42). Mahany does not disclose the host computer as a radio network control node (RNC).

However, Costa teaches an RNC in communication with base stations (nodes B) in a mobile radio network (Fig. 1; col. 2, lines 22-34).

In view of this, it would have been obvious to one skilled in the art to include an RNC node as the host computer in Mahany's system, for the purpose of providing signaling information between the RNC and the base stations.

Allowable Subject Matter

7. Claims 5, 14, 34 and 35 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

*Haukkavaara et al. (US 5,761,245) discloses a method and system for redundancy control of baseband channels in a telecommunications system.

*Muszynski (US 6,009,328) discloses an inter-exchange soft handoff in a cellular telecommunications system.

*Muszynski (US 5,790,528) discloses a semi-hard handoff in a cellular telecommunications system.


9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rhonda Murphy whose telephone number is (571) 272-3185. The examiner can normally be reached on Monday - Friday 8:00 - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on (571) 272-3179. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Rhonda Murphy
Examiner
Art Unit 2667

rlm


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SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2000 4/15/05